DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

5-11 | T (49)

INFORMATION
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OUTGOING TELEGRAM

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DEPARTMENT OF STATE
OCT 28 1947
RELEASE BRANCH
OFFICE OF THE LEGAL ADVISER

Origin: US URGENT
ITP
Info:
UE
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AMEMBASSY,

ROME.

2176

Control 5705

Oct. 24, 1947

7 p.m.

FOR DUNN AND SETSER.

Ref Embtel 3245, Oct 15.

Art XIII, par 2. Authorized delete QUOTE time prior to their induction for such service UNQUOTE in seventeenth and eighteenth line, and to substitute QUOTE period of time UNQUOTE. Minutes should show that if US again follows recent selective service procedure, would be considered reasonable require option be exercised before induction, just as under past Ital procedure reasonableness would necessitate option after induction. Minutes may also show that, aside from this, stipulations regarding timing of option can, along with other relevant details, be made subject of QUOTE necessary arrangements UNQUOTE contemplated last sentence.

Art XV, par 2. Authorized recast material in first sentence preceding semicolon by first stating whole in terms of what US grants Italy, semicolon; then repeating in terms of what Italy QUOTE reciprocally UNQUOTE grants US. Replace QUOTE provided that UNQUOTE, with QUOTE However UNQUOTE, thus commencing new sentence. Remainder par would continue as present, except that QUOTE by such HCP UNQUOTE should be inserted

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [illegible] DATE 1/25/83
RDS or XDS EXT. DATE
TS AUTH. REASON(S)
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FOIA EXEMPTIONS:

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inserted between QUOTE compliance UNQUOTE and QUOTE with this paragraph UNQUOTE.

Although involving ~~xxxxxxxx~~ repetition leading clause, foregoing only suggestion Dept now has for textual modification. Propriety would seem ~~xxx~~ preclude treaty implying more strongly that this para unique from viewpoint reciprocity of advantage, or that US presumes join Italy in determining Ital treaty obligations toward third countries. Italy may if desired declare in minutes and on own responsibility issue public statement Ital intention not generalize rule this par. However, would seem unfortunate ~~xx~~ should Italy issue statement linked with this treaty that Italy intends follow conditional interpretation unconditional MFN provisions in other instruments covering customs administration and import procedures (see Geneva Draft Charter, Art 16, par 1). Moreover, should clearly be understood that US by no means contemplating possible Ital conditional interpretation any unconditional MFN commitment towards US now or hereafter.

Add Prot par 5. Authorized substitute following phrasing re notice period first sentence: QUOTE notice thereof which shall if possible be not less than 30 days in advance and shall not in any event be less than 10 days in advance. UNQUOTE Dept appreciates desirability avoiding rigid

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rigid rule here, but prefers wording such as above that envisages maximum reasonable opportunity Dept prior consideration significant Ital actions under Add Prot.

Dept confirms that Add Prot is fully part of treaty, just as though contained in numbered articles thereof. Emb authorized at discretion make this plain in preamble, by adding phrase QUOTE which shall be considered as integral parts of said Treaty UNQUOTE, as in Prot preamble. This can be done by reversing order of preamble, so as commences with material following QUOTE in view UNQUOTE, etc., and then suitably follow with material that duplicates Prot preamble.

LOVETT

Acting

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CP:HWalker:lgm
10-24-47

Le/E Le/T SE